

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ABSOLUTE SOFTWARE, INC.,

Plaintiff,

05 Civ. 3273 (RMB) (THK)

-against-

ORDER

BRIGADOON SOFTWARE, INC.,

Defendant.

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Upon the record and prior proceedings herein, including a letter from Bruce D. Katz, counsel for defendant, to Magistrate Judge Theodore H. Katz, dated February 16, 2007 (“Feb. 16 Ltr.”), and in light of the facts that Absolute Software Inc. v. Stealth Signal Inc., No. 05 Civ. 1416, is pending in the United States District Court for the Southern District of Texas and “might be fully dispositive of this case,” (Feb. 16 Ltr. at 1), and that this case has been placed on the Court’s suspense docket, it is hereby

ORDERED that (1) Plaintiff’s motion for summary judgment [#43] and Defendant’s cross motions for summary judgment [#50, #56] are denied without prejudice; and (2) Bruce D. Katz’s application to withdraw as counsel is denied without prejudice. (See Feb. 16 Ltr. at 2 (“I respectfully request that the issue of my withdrawal be held in abeyance while this case remains on the suspense docket”).)

Motions may be restored to the calendar and/or re-filed upon good cause shown in a written (letter) application to the Court in the future.

Dated: New York, New York
March 2, 2007

Richard M. Berman, U.S.D.J.